

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Bail Appl..No. 3744 of 2007()

CRIME NO.227/07 OF MARARIKULAM POLICE STATION

PETITIONES/ACCUSED NOS.2,3,4 & 5:

1. ANITHA JAYAKUMAR,
SINDOOR, ANCHERIL GARDEN,
GANDHI NAGAR P.O., KOTTAYAM.
2. AJAY JAYAKUMAR, -DO- -DO-.
3. R.V. JAYAKUMAR, -DO -DO-.
4. LEELA GOPICHANDRAN, -DO- -DO-.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MARARIKULAM POLICE STATION, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.NO. 3744 OF 2007

Dated this the 2nd day of July, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations in a crime registered under Sec.498A of the IPC. They are relatives of the 1st accused being parents-in-law, brother-in-law and sister-in-law respectively. It is alleged that the accused persons including the petitioners and the husband of the de facto complainant are all guilty of matrimonial cruelty against the de facto complainant.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioners. In coming to this conclusion, I do take note of the fact that the arrest and incarceration of the petitioners is likely to mar all chances and possibilities of a reconciliation in the marriage. Appropriate

conditions can, of course, be imposed.

3. The learned counsel for the petitioners submits that, at the moment, application for anticipatory bail of the 2nd petitioner is not pressed.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners 1, 3 and 4 shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 9/7/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners 1, 3 and 4 shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 10/7/07 and 11/7/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Thereafter, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners 1, 3 and 4 do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at

B.A.NO. 3744 OF 2007 -: 3 :-

liberty to arrest the petitioners 1, 3 and 4 and deal with them in accordance with law as if those directions were not issued at all;

(iv) If the petitioners 1, 3 and 4 were arrested prior to their surrender on 9/7/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 9/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge